

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK

3 THE PHILLIES, a)
4 Pennsylvania limited)
5 partnership,)
6 Plaintiff,)
7 -vs-) Civil Action No. 1:19-07239-VM
8 HARRISON/ERICKSON,)
9 INCORPORATED, a New York)
10 corporation, HARRISON)
11 ERICKSON, a partnership,)
12 and WAYDE HARRISON and)
13 BONNIE ERICKSON,)
14 Defendants.)

15 DUANE MORRIS LLP
16 30 SOUTH 17TH STREET
17 PHILADELPHIA, PENNSYLVANIA 19103
18 FEBRUARY 18, 2020
19 9:20 A.M.

20
21
22
23 VIDEOTAPED DEPOSITION OF
24 WILLIAM YALE GILES

25 REPORTED BY:
26 DEBRA SAPIO LYONS, RDR, CRR, CRC, CCR, CLR, CPE
27 JOB NO. 177009

February 18, 2020

6 Videotaped deposition of William Yale Giles,
7 held at the offices of Duane Morris LLP, 30 South
8 17th Street, Philadelphia, Pennsylvania 19103,
9 before Debra Sapiro Lyons, a Registered Diplomat
10 Reporter, a Certified Realtime Reporter, a
11 Certified Realtime Captioner, a Certified
12 LiveNote Reporter, an Approved Reporter of the
13 United States District Court for the Eastern
14 District of Pennsylvania, a Certified Court
15 Reporter of the State of New Jersey, a Notary
16 Public of the States of New Jersey, New York and
17 the Commonwealth of Pennsylvania.

William Y. Giles

2 A. Well, I was basically the
3 marketing guy and Frank was more or less my
4 assistant, and he had the title Promotion
5 Director, but he would be in charge of any
6 crazy thing that would -- we would create.

7 Q. Did -- was there a fellow named
8 Dennis Lehman working for you then?

9 A. Yes. He had the title of
10 Marketing Director.

11 Q. Okay. And were -- who reported to
12 Mr. Lehman if you can recall?

13 A. I don't really know. Frank
14 Sullivan would have, but I don't know who
15 else.

16 MR. MONTCLARE: Okay. I'm going to
17 mark as the next exhibit here, which is
18 going to be December 4 -- Defendants' 14, a
19 copy of the Complaint in this action
20 without the exhibits.

21 MR. WOLFSOHN: Thank you. So the
22 court reporter will put a sticky on it and
23 then she'll hand that to you.

24 (Exhibit D-14, Complaint in Civil
25 Action No. 19-07239, is marked for

1 William Y. Giles

2 identification.)

3 BY MR. MONTCLARE:

4 Q. Mr. Giles, have you seen a copy of
5 this document before today?

6 A. This?

7 Q. Yes.

8 A. No.

9 Q. Did you ever see -- you -- you've
10 never seen a copy of this document before
11 today?

12 A. Well, my lawyer showed me a bunch
13 of things a couple weeks ago, but I don't
14 really remember whether this was in it. I
15 don't --

16 Q. Okay.

17 A. -- I don't know.

18 Q. So you met with your lawyer in
19 preparation for this deposition?

20 A. Yes, sir.

21 Q. Okay. And he showed you some
22 documents?

23 A. Yes, sir.

24 Q. Just answer "yes" or "no." Hum?

25 A. Yes.

1 William Y. Giles

2 vouching for another witness.

5 MR. WOLFSOHN: You can answer if you
6 can.

13 BY MR MONTCLARE:

14 0 $S_0 = -$

15 A. You know, it's 42 years ago. I
16 don't

17 0 yeah

18 A -- I don't know

19 Q. So is it fair to say you really do
20 not have a clear recollection as to whether
21 you are the one who chose the green color?

22 A. I have been brainwashed by myself
23 that I was the one that picked the green, but,
24 you know, I believe that I picked the green.

25 Q. But you really don't have a clear

1 William Y. Giles

2 recollection of that now, do you?

3 A. I have no notes and, you know, I'm
4 85 years old, man.

5 Q. I -- I'm not that old yet, but I
6 identify.

7 Fair enough. You know, in this
8 business, especially if you're in public
9 relations, sometimes the royal "we" comes into
10 play; doesn't that correct?

11 A. That's kind of me.

12 Q. Thank you.

13 MR. MONTCLARE: Let's mark as the
14 next exhibit, which is what, 18?

15 MS. NGUYEN: 17.

16 MR. MONTCLARE: 17. Sorry.

17 (Exhibit D-17, one-page document,
18 copy of a photograph, bearing Bates Numbers
19 HE000416, is marked for identification.)

20 MR. WOLFSOHN: Thank you.

21 THE WITNESS: There you are, Bonnie.

22 MS. ERICKSON: Ain't it great.

23 BY MR. MONTCLARE:

24 Q. Okay. If you take a look at this
25 exhibit, it -- it says that on the -- on the

1 William Y. Giles

2 BY MR. MONTCLARE:

3 Q. Let's go on. All right.

4 A. It's the City of Brotherly Love.

5 Q. Yeah, it is.

6 MR. WOLFSOHN: And sisterly love.

7 MR. MONTCLARE: And Philadelphia
8 lawyers.

9 BY MR. MONTCLARE:

10 Q. Okay. So let's go on. So my --
11 my question is: You had -- you did not expect
12 your attorney to understand that the action in
13 1979 referred to in this whereas clause was a
14 copyright infringement action?

15 MR. WOLFSOHN: Objection, lack of
16 foundation.

17 THE WITNESS: Sir, I -- when I have
18 a lawyer, I expect him to understand any
19 document in full that I have to sign.

20 BY MR. MONTCLARE:

21 Q. Including the words in the
22 document?

23 A. Yeah.

24 Q. And you acted in reliance on what
25 the lawyer told you; correct?